

ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE

DOCKET NO: 15-cv-5825

CASE: Pagan v. The City of New York et al

DATE: Sept. 28, 2017
START: 4:30pm
END: 5:20pm

- INITIAL CONFERENCE
- DISCOVERY CONFERENCE
- SETTLEMENT CONFERENCE
- MOTION HEARING

- OTHER/ORDER TO SHOW CAUSE
- FINAL/PRETRIAL CONFERENCE
- TELEPHONE CONFERENCE
- INFANT COMPROMISE HEARING

PLAINTIFF

ATTORNEY

	<u>Barak Cardenas</u>

DEFENDANT

ATTORNEY

	<u>Alan Schreiber</u>

- DISCOVERY TO BE COMPLETED BY _____
- NEXT _____ CONFERENCE SCHEDULED FOR _____
- JOINT PRE-TRIAL ORDER TO BE FILED VIA ECF BY _____
- PL. TO SERVE DEF. BY: _____ DEF. TO SERVE PL. BY: _____

RULINGS: PLEASE TYPE THE FOLLOWING ON DOCKET SHEET

Defendants' motion for sanctions and to strike plaintiffs' expert reports (DE #83) is granted in limited part only. The Court concurs with defense counsel that the conduct and statements of plaintiffs' counsel raise serious ethical issues and misled the Court and defense counsel as to his intentions. Nevertheless, given the fact that defendants will have sufficient time to serve expert disclosures responsive to the reports of plaintiffs' two new experts, the Court concludes

that precluding plaintiffs from offering expert disclosures, on account of their attorneys' derelictions would be unduly harsh. Instead, the Court invites defense counsel to move for monetary sanctions, to be imposed on plaintiffs' counsel but not passed onto plaintiffs, for the time spent addressing plaintiffs' failure to timely serve their expert disclosures.

Plaintiffs are directed to serve, by October 2, 2017, all information pertaining to the two experts that is required under Rule 26.

Plaintiffs will not be permitted to serve expert disclosures for a cellphone data retrieval expert.